



Fw: FYI
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Hi Brian -- Interesting piece in the Pittsburgh Post-Gazette today (see below).

Michelle

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FYI

Groups say facilities wrongly discharging drilling wastewater
Organizations plan to file a lawsuit
Friday, March 11, 2011
By Don Hopey, Pittsburgh Post-Gazette

Two municipal sewage treatment facilities that together discharge 150,000 gallons a day of Marcellus Shale wastewater into the Monongahela River watershed don't have federal permits for such pollution discharges and should, according to two environmental organizations that say they will sue the facilities in federal court.

Clean Water Action and Three Rivers Waterkeeper on Thursday filed a "notice of intent to sue" against sewage treatment operations in McKeesport and Franklin, Greene County, claiming the facilities are in violation of the federal Clean Water Act.

The notice marks the first legal action challenging the widespread practice of discharging Marcellus wastewater through municipal treatment facilities that do not have permits to treat such waste.

The groups were critical of both the state Department of Environmental Protection and the U.S. Environmental Protection Agency for failing to enforce existing discharge permits, which limit the facilities to treating and discharging sewage waste water. At least 11 sewage treatment facilities in the state accept and discharge Marcellus wastewater.

"We cannot wait any longer to rely on the state and the EPA to act," said Myron Arnowitt, state director of Clean Water Action. "These sewage plants have been illegally discharging gas drilling wastewater into our rivers since 2008 without a permit as required by the Clean Water Act."

Mr. Arnowitt said the treatment facilities should immediately stop accepting the gas drilling wastewater or seek permission to amend their permits so they can legally do so.

The 18-page legal notice sent to the treatment plant and municipal officials in McKeesport and Franklin is a requirement of many federal environmental laws that include citizen suit provisions. It's the first step toward filing a lawsuit and provides 60 days to negotiate a settlement before a lawsuit can be filed.

In response to water quality concerns, the DEP in 2008 limited the Municipal Authority for the City of McKeesport's treatment and discharge of Marcellus Shale drilling wastewater to 1 percent of its total discharge, or an average of 102,000 gallons a day going into the Monongahela River. This year the authority's Marcellus discharge is limited to 99,700 gallons a day, based on its average daily discharge in

2010.

The Franklin Township Sewer Authority in Greene County discharges an average of 50,000 gallons a day of Marcellus drilling wastewater into the South Fork of Ten Mile Creek, a tributary of the Monongahela River. That's equal to 5 percent of the authority's daily discharge, and allowed under a negotiated consent agreement with the state Department of Environmental Protection.

Those state-imposed treatment and discharge limits don't address the main claim of the environmental groups: that their existing discharge permits haven't been changed to allow them to accept the drilling wastewater and that the discharges are having a detrimental effect on water quality in the rivers.

About 500,000 people get their drinking water from the Mon.

"Their failure to follow proper procedures for authorization to discharge oil and as wastewater renders their discharge illegal," the notice states. "Their failure to follow the requirements pertaining to the pretreatment program also leaves them in violation of the Clean Water Act."

Joe Ross, executive director of the McKeesport authority, and George Scott, general manager of the Franklin facility, said Thursday afternoon they hadn't seen the notice filing or been contacted by the environmental groups, so declined to comment.

Read more: <http://www.post-gazette.com/pg/11070/1131192-454.stm#ixzz1GYuAoyrs>